

REMARKS

Status of the Claims

Claims 49, 54, 56-58, 63, 66, 72, 75, 79, and 80 are pending and under consideration. Claims 54, 56, 79, and 80 are canceled, without prejudice or disclaimer. Accordingly, after entry of the instant amendment, claims 49, 57, 58, 63, 66, 72 and 75 will be pending.

Applicants thank the Examiner for finding that claim 66 would be allowable if rewritten in independent form. Applicants respectfully traverse all outstanding objections and rejections of the claims in view of the above claim amendments and the following remarks.

Support for the Claim Amendments

The specification sets forth an extensive description of the invention in the amended claims. Accordingly, Applicants submit that no new matter has been introduced and the instant amendment can be properly entered.

Rejection Under 35 U.S.C. § 102

Claims 49, 57, 63, 79, and 80 are rejected under 35 U.S.C. 102(e) as allegedly being anticipated by Mintz et al. (US 2007/0083334, priority to September 13, 2002, herein "Mintz"). Without acquiescing in the reasoning given by the Examiner, claims 49, 57, 63, 79, and 80 are amended to address this issue.

Rejection Under 35 U.S.C. § 103

Claim 58 was rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Mintz et al. in view of Campbell (Monoclonal Antibody Technology, 1984, pp. 1-32, herein "Campbell"). Without acquiescing in the reasoning given by the Examiner, claim 58 is amended to address this issue.

Rejection Under 35 U.S.C. § 112, second paragraph

Claims 79 and 80 were rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite. Without acquiescing in the reasoning given by the Examiner, claims 79 and 80 are canceled. Applicants reserve the right to pursue the subject matter of these claims in later applications.

Rejection Under 35 U.S.C. § 112, first paragraph

Claims 54, 56, 63, 75, 79, and 80 were rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the enablement requirement. Without acquiescing in the reasoning given by the Examiner, claims 54, 56, 79 and 80 are canceled. Applicants reserve the right to pursue the subject matter of these claims in later applications.

It is the Examiner's position that claim 63 is not enabled because it is drawn in part to a complete complement of the polynucleotide encoding SEQ ID NO: 3, 5, or 7 and that the polypeptide encoded by the complete complement will not produce SEQ ID NO: 3, 5, or 7, with the specification not teaching how to use said polypeptide. Without acquiescing in the reasoning given by the Examiner, Applicants address the issue by amending claim 63.

The Examiner states that claim 75 is enabled for the detection of prostate cancer. It is the Examiner's position that claim 75 is not enabled for detection of lung, ovarian, breast and pancreatic cancer. Without acquiescing in the reasoning given by the Examiner, Applicants address the issue by amending claim 75. Applicants reserve the right to pursue the subject matter deleted from claim 75 in a later application.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. 511582008100. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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